

AN ACT

relating to family violence and protective orders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 81, Family Code, is amended by adding Section 81.010 to read as follows:

Sec. 81.010. COURT ENFORCEMENT. (a) A court of this state with jurisdiction of proceedings arising under this title may enforce a protective order rendered by another court in the same manner that the court that rendered the order could enforce the order, regardless of whether the order is transferred under Subchapter D, Chapter 85.

(b) A court's authority under this section includes the authority to enforce a protective order through contempt.

(c) A motion for enforcement of a protective order rendered under this title may be filed in:

(1) any court in the county in which the order was rendered with jurisdiction of proceedings arising under this title;

(2) a county in which the movant or respondent resides; or

(3) a county in which an alleged violation of the order occurs.

SECTION 2. Subsection (b), Section 82.002, Family Code, is amended to read as follows:

(b) With regard to family violence under Section 71.004(3),

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1 an application for a protective order to protect the applicant may
2 be filed by a [an adult] member of the dating relationship,
3 regardless of whether the member is an adult or a child.

4 SECTION 3. Section 82.009, Family Code, is amended to read
5 as follows:

6 Sec. 82.009. APPLICATION FOR TEMPORARY EX PARTE ORDER.

7 (a) An application that requests the issuance of a temporary ex
8 parte order under Chapter 83 must:

9 (1) contain a detailed description of the facts and
10 circumstances concerning the alleged family violence and the need
11 for the immediate protective order; and

12 (2) be signed by each applicant under an oath that the
13 facts and circumstances contained in the application are true to
14 the best knowledge and belief of each applicant.

15 (b) For purposes of this section, a statement signed under
16 oath by a child is valid if the statement otherwise complies with
17 this chapter.

18 SECTION 4. Section 83.006, Family Code, is amended by
19 adding Subsection (c) to read as follows:

20 (c) The court may recess the hearing on a temporary ex parte
21 order to contact the respondent by telephone and provide the
22 respondent the opportunity to be present when the court resumes the
23 hearing. Without regard to whether the respondent is able to be
24 present at the hearing, the court shall resume the hearing before
25 the end of the working day.

26 SECTION 5. Subsection (a), Section 85.026, Family Code, is
27 amended to read as follows:

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1 (a) Each protective order issued under this subtitle,
2 including a temporary ex parte order, must contain the following
3 prominently displayed statements in boldfaced type, capital
4 letters, or underlined:

5 "A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR
6 CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY CONFINEMENT IN
7 JAIL FOR AS LONG AS SIX MONTHS, OR BOTH."

8 "NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS
9 ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY
10 PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS
11 VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT
12 UNLESS A COURT CHANGES THE ORDER."

13 "IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS
14 DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT
15 AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL
16 SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A
17 FIREARM OR AMMUNITION."

18 "A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED
19 BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY
20 CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT
21 RESULTS IN FAMILY VIOLENCE MAY BE PROSECUTED AS A SEPARATE
22 MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A
23 SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON
24 FOR AT LEAST TWO YEARS."

25 SECTION 6. The following provisions of the Family Code are
26 repealed:

27 (1) Section 83.007;

1 (2) Subsection (b), Section 85.026; and

2 (3) Subsections (a) and (b), Section 85.065.


3 SECTION 7. (a) The changes in law made by this Act to
4 Sections 82.002 and 82.009, Family Code, apply only to an
5 application for a protective order that is filed on or after the
6 effective date of this Act. An application for a protective order
7 filed before the effective date of this Act is governed by the law
8 in effect on the date the application is filed, and the former law
9 is continued in effect for that purpose.

10 (b) The changes in law made by this Act to Section 85.026,
11 Family Code, apply only to a protective order issued on or after the
12 effective date of this Act. A protective order issued before the
13 effective date of this Act is governed by the law in effect on the
14 date the order is issued, and the former law is continued in effect
15 for that purpose.

16 SECTION 8. This Act takes effect September 1, 2011.


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President of the Senate


Speaker of the House

I hereby certify that S.B. No. 819 passed the Senate on March 31, 2011, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 2011, by the following vote: Yeas 31, Nays 0.


Secretary of the Senate

I hereby certify that S.B. No. 819 passed the House, with amendment, on May 23, 2011, by the following vote: Yeas 142, Nays 0, one present not voting.

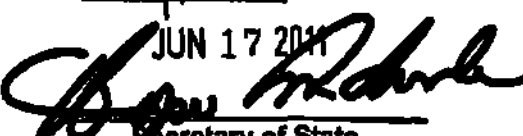

Chief Clerk of the House

Approved:

17 JUN '11
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:01 PM O'CLOCK

JUN 17 2011

Secretary of State